

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 23-cr-12 SRN/ECW

Plaintiff,

v.

ARRAIGNMENT ORDER

Elliot Christopher Lee Wilkens (1),
Coby Dean McKinley (2)
Venus Mildred Marquez-Melendez (3)

Defendants.

United States Magistrate Judge John F. Docherty arraigned Defendants Elliot Wilkens and Coby McKinley on January 25, 2023. Defendant Wilkens was present in court with his attorney, Paul Applebaum. Defendant McKinley was present in court with his attorney Kevin O'Brien. The government was represented by Matthew Forbes, Assistant United States Attorney.

On January 30, 2023, United States Magistrate Judge David T. Schultz arraigned Defendant Marquez-Melendez. Defendant Marquez-Melendez was present in court with her attorney, Lee Johnson.

Each Defendant identified themselves by name and age; waived the reading of the indictment; and entered a plea of not guilty.

Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to disclose to the defendant all exculpatory evidence—that is, evidence that favors the defendant or casts doubt on the United States' case, as required by *Brady*

v. Maryland, 373 U.S. 83 (1963), and its progeny, and **ORDERS** the United States to do so. Failure to do so in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court.

Pursuant to Local Rule 12.1 (copy attached), IT IS HEREBY ORDERED

that¹:

1. The government must make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **February 7, 2023**. D. Minn. LR 12.1(a)(1). In order to avoid the need for a recess of the motions hearing, the government is requested to make, by **February 6, 2023**, all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).
2. Defendant must make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **February 14, 2023**. D. Minn. LR 12.1(a)(2).
3. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **February 21, 2023**.² D. Minn. LR 12.1(c)(1).

¹ The dates that were given at the time of arraignment for Defendants Wilkens and Cody have changed slightly so that all three defendants are on the same schedule.

² “Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute.” D. Minn. LR 12.1(b).

4. **Counsel must electronically file a letter on or before February 21, 2023 if no motions will be filed and there is no need for hearing.**

5. All responses to motions must be filed by **March 7, 2023**. D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses³ must be filed by **March 7, 2023**. D. Minn. LR. 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses⁴ must be filed by **March 10, 2023**. D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. If required, the motions hearing shall be heard before Magistrate Judge Elizabeth Cowan Wright on **March 15, 2023**, at **11:00 a.m.**, in **Courtroom 3C**, U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota. D. Minn. LR 12.1(d).

10. The parties must disclose the identity of any expert witness and make all expert disclosures required by Federal Rule of Criminal Procedure 16 no later than 28 days before trial. The parties must disclose the identity of any expert who will testify in rebuttal of an expert witness and make all disclosures as to such expert required by Federal Rule of Criminal Procedure 16 no later than 14 days before trial.

11. **TRIAL:**

a. IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:

the following trial and trial-related dates are:

All voir dire questions and jury instructions and trial related motions (including motions in limine) must be submitted to District Judge Susan Richard Nelson on or before **March 20, 2023**.

This case shall commence trial on **March 27, 2023**, at **9:00 a.m.** before District Judge Susan Richard Nelson in Courtroom 7B, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota

b. IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Nelson to confirm the new trial date.

Dated: February 6, 2023

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge